

Sam Clayton  
1049 Market St, #203  
San Francisco, CA 94103  
Plaintiff

**FILED**  
SEP 11 2007  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

**SAM CLAYTON, et al.,**

Plaintiff,

v.

**Michael Chertoff, et al.**

Defendants.

Civil Action No. C 07-02781 CW

**PLAINTIFF'S SECOND  
DECLARATION FOR MOTION FOR  
SUMMARY JUDGMENT**

2 PM September 27, 2007  
Courtroom 2  
Judge Wilken

I state under pains and penalties of perjury this date:

1. Plaintiff would like to become a full time college student. He cannot do so because he is ineligible for financial aid until he gets his green card. See Exhibit A, City College's financial aid form.

Plaintiff would like to leave the country to visit his father who is an ailing cancer patient. The USCIS Instruction for Form I-131 explains in the page 3 "Travel Warning" section that even with prior permission, plaintiff can still be denied re-entry, if plaintiff was illegally in the country before he filed his immigration application. Plaintiff was illegally in the country beforehand.

Dated: September 10, 2007

Very truly yours

Sam Clayton



## DO NOT MAIL THIS WORKSHEET.

You must complete and submit a *Free Application for Federal Student Aid* (FAFSA) to apply for federal student aid and to apply for most state and college aid. Applying online with *FAFSA on the Web* at [www.fafsa.ed.gov](http://www.fafsa.ed.gov) is faster and easier than using a paper FAFSA.

For state or college aid, the deadline may be as early as January 2007. See the table to the right for state deadlines. Check with your high school counselor or your college's financial aid administrator about other deadlines.

- Complete this Worksheet only if you plan to use *FAFSA on the Web* to apply for federal student aid.
- Sections in purple are for parent information.
- In parentheses after each question is the number that is used on *FAFSA on the Web* and the paper FAFSA.
- Submit your FAFSA early, but not before January 1, 2007.

### Apply Faster—Sign your FAFSA with a Federal Student Aid PIN.

If you do not have a PIN, you can apply for one at [www.pin.ed.gov](http://www.pin.ed.gov) before beginning *FAFSA on the Web*. You will receive your PIN within a few days, and then you can electronically sign your FAFSA when you submit your information. If you are providing parent information, one parent must sign your FAFSA. To sign electronically, your parent should also apply for a PIN at [www.pin.ed.gov](http://www.pin.ed.gov).

### You will need the following information to complete this Worksheet:

- Your Social Security Number and your parents' Social Security Numbers if you are providing parent information;
- Your driver's license number if you have one;
- Your Alien Registration Number if you are not a U.S. citizen;
- 2006 federal tax information or tax returns (including IRS W-2 information) for yourself (and spouse if you are married) and for your parents if you are providing parent information. If you have not yet filed a 2006 income tax return, you can still submit your FAFSA but you must provide income and tax information.
- Records of untaxed income, such as Social Security benefits, welfare benefits (e.g., TANF), and veterans benefits, for yourself, and your parents if you are providing parent information; and
- Information on savings, investments, and business and farm assets for yourself, and your parents if you are providing parent information.

#### WARNING!

Be wary of organizations that charge a fee to submit your application or to find you money for school. In general, the help you pay for can be obtained for free from your school or from the U.S. Department of Education.

#### NOTE:

If you or your family have unusual circumstances (such as loss of employment), complete *FAFSA on the Web* to the extent you can, then submit the application and consult the financial aid office at the college you plan to attend.

#### STATE AID DEADLINES

Check with the school's financial aid administrator for these states and territories: AL, \*AS, CO, \*CT, \*FM, GA, \*GU, \*HI, ID, \*MH, \*MP, MS, \*NE, \*NM, \*NV, PR, \*PW, \*SD, \*TX, UT, \*VA, \*VI, \*VT, WA, WI, and \*WY

AK	April 15, 2007 ( <i>date received</i> )
AR	For Academic Challenge - June 1, 2007 ( <i>date received</i> ). For Workforce Grant - Contact your financial aid administrator
AZ	June 30, 2008 ( <i>date received</i> )
* CA	For initial awards - March 2, 2007 For additional community college awards - September 2, 2007 ( <i>date postmarked</i> )
* DC	June 30, 2007 ( <i>date received by state</i> )
DE	April 15, 2007 ( <i>date received</i> )
FL	May 15, 2007 ( <i>date processed</i> )
IA	July 1, 2007 ( <i>date received</i> )
# IL	First-time applicants - September 30, 2007 Continuing applicants - August 15, 2007 ( <i>date received</i> )
IN	March 10, 2007 ( <i>date received</i> )
# *KS	April 1, 2007 ( <i>date received</i> )
# KY	March 15, 2007 ( <i>date received</i> )
LA	July 1, 2007 ( <i>date received</i> )
# MA	May 1, 2007 ( <i>date received</i> )
MD	March 1, 2007 ( <i>date received</i> )
ME	May 1, 2007 ( <i>date received</i> )
MI	March 1, 2007 ( <i>date received</i> )
MN	30 days after term starts ( <i>date received</i> )
MO	April 1, 2007 ( <i>date received</i> )
# MT	March 1, 2007 ( <i>date received</i> )
NC	March 15, 2007 ( <i>date received</i> )
ND	March 15, 2007 ( <i>date received</i> )
NH	May 1, 2007 ( <i>date received</i> )
NJ	June 1, 2007, if you received a Tuition Aid Grant in 2006-2007 All other applicants - October 1, 2007, for fall and spring terms; March 1, 2008, for spring term only ( <i>date received</i> )
* NY	May 1, 2008 ( <i>date received</i> )
OH	October 1, 2007 ( <i>date received</i> )
# OK	April 15, 2007 ( <i>date received</i> ) for best consideration
# OR	March 1, 2007 ( <i>date received</i> ). Final deadline - contact your financial aid administrator
* PA	All 2006-2007 State Grant recipients & all non-2006-2007 State Grant recipients in degree programs – May 1, 2007 All other applicants – August 1, 2007 ( <i>date received</i> )
# RI	March 1, 2007 ( <i>date received</i> )
SC	June 30, 2007 ( <i>date received</i> )
# TN	For State Grant - March 1, 2007 For State Lottery –September 1, 2007 ( <i>date received</i> )
* WV	March 1, 2007 ( <i>date received</i> )

# For priority consideration, submit application by date specified.

\* Additional form may be required.

## SECTION 1 – STUDENT INFORMATION

- Use of this Worksheet is optional. It should not be submitted to the U.S. Department of Education or to your school.
- Not all of the questions from FAFSA on the Web appear in this Worksheet, but questions are generally ordered as they appear online.
- Once you are online, you may be able to skip some questions based on your answers to earlier questions.

<p><b>Your Social Security Number (Q8)</b></p> <p><b>Your last name (Q1)</b></p> <p><b>Your state of legal residence (Q18)</b></p> <p><b>Your driver's license number (optional) (Q11)</b></p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td> </td><td> </td><td> </td><td>-</td><td> </td><td> </td><td>-</td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td colspan="12"></td></tr> <tr><td colspan="12"></td></tr> <tr><td colspan="12"></td></tr> </table>				-			-																																									
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<p><b>Are you a U.S. citizen? (Q14)</b></p> <p>If you are neither a citizen nor an eligible noncitizen, you are not eligible for federal student aid. However, you should still complete the application, because you may be eligible for state or college aid.</p> <p>If you are in the U.S. on an F1 or F2 student visa, or a J1 or J2 exchange visitor visa, or a G series visa (pertaining to international organizations), you must answer "Neither citizen nor eligible noncitizen."</p>	<input type="checkbox"/> U.S. citizen (U.S. national) <input type="checkbox"/> Eligible noncitizen <p style="margin-left: 20px;">Generally you are an eligible noncitizen if you are:</p> <ul style="list-style-type: none"> <li>• A U.S. permanent resident with a Permanent Resident Card (I551);</li> <li>• A conditional permanent resident (I-551C); or</li> <li>• The holder of an Arrival-Departure Record (I-94) from the Department of Homeland Security showing any of the following designations: "Refugee," "Asylum Granted," "Parolee" (I-94 confirms paroled for a minimum of one year and status has not expired), or "Cuban-Haitian Entrant."</li> </ul> <input type="checkbox"/> Neither citizen nor eligible noncitizen																																																
<p><b>Your Alien Registration Number (Q15)</b> If you are an eligible noncitizen, enter your eight- or nine-digit Alien Registration Number.</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>A</td><td> </td><td> </td></tr> </table>	A																																															
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<p><b>Your marital status as of today (Q16)</b> "As of today" refers to the day that you sign your FAFSA.</p> <p><b>Month and year you were married, separated, divorced or widowed (Q17)</b> (Example: Month and year: 05/1996)</p> <p><b>Did you become a legal resident of your state before January 1, 2002? (Q19)</b></p> <p><b>If "No," when did you become a legal resident of your state? (Q20)</b> (Example: Month and year: 05/2003)</p>	<input type="checkbox"/> Single, divorced, or widowed <input type="checkbox"/> Married/remarried <input type="checkbox"/> Separated <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>M</td><td>M</td><td>Y</td><td>Y</td><td>Y</td><td>Y</td><td>Y</td></tr> </table> <input type="checkbox"/> Yes <input type="checkbox"/> No <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>M</td><td>M</td><td>Y</td><td>Y</td><td>Y</td><td>Y</td><td>Y</td></tr> </table>	M	M	Y	Y	Y	Y	Y	M	M	Y	Y	Y	Y	Y																																		
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<p>Most male students must register with the Selective Service System to get federal aid. If you are a male between the ages of 18 and 25 and NOT already registered with Selective Service, answer "Yes" and Selective Service will register you. (Q22)</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No																																																
<p><b>What degree or certificate will you be working on during the 2007-2008 school year? (Q23)</b></p>	<input type="checkbox"/> 1st bachelor's degree <input type="checkbox"/> 2nd bachelor's degree <input type="checkbox"/> Associate degree—occupational/technical program <input type="checkbox"/> Associate degree—general education or transfer program <input type="checkbox"/> Certificate or diploma for completing an occupational, technical, or educational program of less than two years	<input type="checkbox"/> Certificate or diploma for completing an occupational, technical, or educational program of at least two years <input type="checkbox"/> Teaching credential—nondegree program <input type="checkbox"/> Graduate or professional degree <input type="checkbox"/> Other/Uncertain																																															
<p><b>What will be your grade level when you begin the 2007-2008 school year? (Q24)</b></p>	<input type="checkbox"/> 1st year/never attended college before <input type="checkbox"/> 1st year/attended college <input type="checkbox"/> 2nd year/sophomore <input type="checkbox"/> 3rd year/junior	<input type="checkbox"/> 4th year/senior <input type="checkbox"/> 5th year/other undergraduate <input type="checkbox"/> 1st year graduate/professional <input type="checkbox"/> Continuing graduate/professional or beyond																																															
<p><b>At the start of the 2007-2008 school year, what do you expect your enrollment status to be? (Q25)</b> (Enrollment definitions refer to undergraduate study.)</p>	<input type="checkbox"/> Full time—at least 12 credit hours in a term or 24 clock hours per week <input type="checkbox"/> 3/4 time—at least 9 credit hours in a term or 18 clock hours per week <input type="checkbox"/> Half time—at least 6 credit hours in a term or 12 clock hours per week <input type="checkbox"/> Less than half time—fewer than 6 credit hours in a term or less than 12 clock hours per week <input type="checkbox"/> Not sure																																																